

PRELIMINARY AMENDMENT

Serial Number: 09/067,641

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Title: DNA ENCODING A DNA REPAIR PROTEIN

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D.t.: 800.019US2

In the Claims

Please substitute the claim set entitled "Clean Version of Pending Claims" attached hereto for the pending set of claims. Specific amendments to individual claims are detailed below.

Please cancel claims 5-19 without prejudice.

Please amend the claims as follows:

1. (Amended) An isolated and purified nucleic acid molecule comprising a nucleic acid segment encoding a vertebrate DNA repair polypeptide, or a biologically active [subunit or variant] fragment thereof, wherein the polypeptide has a molecular weight of about 95000 Da as determined by SDS-PAGE.

Please add the following new claims:

20. (New) The nucleic acid molecule of claim 1 further comprising a promoter.

21. (New) The nucleic acid molecule of claim 1 wherein the nucleic acid segment is SEQ ID NO:1.

22. (New) The nucleic acid molecule of claim 1 which encodes a fusion polypeptide comprising at least a portion of the DNA repair polypeptide which binds an antibody specific for SEQ ID NO:2.

Remarks

Claims 5-19 are canceled, claim 1 is amended and claims 20-22 added. The pending claims are claims 1-4 and 20-22.

Amended claim 1 is supported by originally-filed claim 1.

New claim 20 is supported by page 4, lines 14-18 of the specification. New claim 21 is supported by originally-filed claim 4 and Example 2. New claim 22 is supported by page 4, lines 14-18 and page 15, lines 3-5 of the specification.